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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,698	10/31/2001	Frank J. Kronzer	11301-0232 (44039-264310)	2529
22827	7590	01/25/2005	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			DICUS, TAMRA	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,698

Applicant(s)

FRANK J. KRONZER

Examiner

Tamra L. Dicus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-29,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-10 and 16-21 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,11-15,22-28,31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11-01-04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

The cancellation of claims 3 and 30 are acknowledged. The prior rejections are withdrawn due to Applicant's amendment and Terminal Disclaimer.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 31-33, 35-48, 51-56, and 58-60 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,432,258 to Yoshimura.

3. Yoshimura teaches a transfer paper and method of making comprising base substrate of paper or polymeric film (1), release coating (3) of acrylic, silicone, vinyl, polyester (1 and 3 are nontransferable) (instant claims 31, 40, 43-45, 52 and 54), picture printing layers (5) and (7) of polyester methacrylate, epoxy methacrylate, melamine resins with a white opacifying agent titanium oxide (col. 6, lines 48-50) (peelable and discontinuous polymer/printable opaque crosslinking layers, respectively, same material is used - transferable portion), in this order (instant claims 1-2, 4, 11, 13-15, 22-23, 25-28, 31-32).

4. Also the release coating comprises titanium oxide pigment (col. 6, lines 47-50) (instant claims 14 and 25). See col. 2, lines 39-65, col. 3, lines 40-45, col. 4, lines 33-36, lines 60-64, col. 5, lines 10-20 and lines 54-65 and col. 6, lines 1-15. See also Examples 1-8.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12, 24, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,432,258 to Yoshimura in view of USPN 6,358,660 to Agler et al.

7. Yoshimura is relied upon above. Yoshimura does teach releasing agents such as silicone and acrylic are well known (col. 2, lines 45-49) but does not teach the peelable film including such agents (instant claims 12 and 24). Further Agler, an analogous art, teaches a coated transfer sheet having releasing agents such as silicone and wax in the release layer made of polyethylene also. See col. 4, lines 13-25, col. 9, lines 2-5, col. 14, lines 30-50, and col. 16, lines 15-60. The release layer of Agler functions as a peelable layer because it is of the same material. See also col. It would be obvious to one of ordinary skill in the art to include release agents by having modified Yoshimura's peelable layer because Yoshimura suggests the same releasing agents (col. 2, lines 45-49) and would benefit from increasing the peelability for ease as Agler teaches release agents are used to enhance the peel and release from surrounding layers (see col. 4, lines 13-25, col. 9, lines 2-5, col. 14, lines 30-50, and col. 16, lines 15-60 of Agler).

8. Yoshimura does not teach aziridine as a crosslinking agent as per instant claim 29. Yoshimura teaches epoxy and melamine resins as crosslinkers at col. 5, lines 10-20. Agler, an analogous art, teaches a coated transfer sheet having aziridine derivatives and melamine as

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crosslinking agents in col. 8, lines 45-51. Thus it would have been obvious to one having ordinary skill in the art to have modified the transfer sheet of Yoshimura to include aziridine because Agler teaches aziridine as a functional equivalent of melamine resins as cited above.

Allowable Subject Matter

9. Claims 5-10 and 16-21 are allowed because the prior art of record does not teach the discontinuous printable and polymer layers in the order as recited.

Response to Arguments

10. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Agler is still used in the rejection to teach aziridine is a known crosslinking agent.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tamra L. Dicus
Examiner
Art Unit 1774

1/13/04


RENA DYE
SUPERVISORY PATENT EXAMINER
A.U. 1774 11/18/05